

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 stand rejected.

Claims 15-20 have been amended.

Rejection of Claims under 35 U.S.C. §103

Claims 1-4, 7-10 and 13-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sassin, et al., U.S. Patent No. 6,058,435 (Sassin) in view of Crowther, et al., U.S. Patent No. 6,771,765 (Crowther).

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the references must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants independent claims read as follows:

1. An apparatus comprising:
means for receiving a first request in a first media format of a plurality of different media formats via a first communication channel of a plurality of communication channels, wherein
each communication channel of the plurality of communication channels has an associated media format of the plurality of different media formats;
means for receiving a second request in a second media format of the plurality of different media formats via a second communication channel of the plurality of communication channels;
means for determining media formats that each agent of one or more agents is authorized to access, wherein
the media formats that each agent of the one or more agents is authorized to access comprise at least one of the plurality of different media formats;
and
means for assigning, in response to the determining, the one or more agents to handle the first and second requests based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access.

(Emphasis supplied)

7. A method comprising:
receiving a first request in a first media format of a plurality of different media formats via a first communication channel of a plurality of communication channels,
wherein
each communication channel of the plurality of communication channels has an associated media format of the plurality of different media formats;

receiving a second request in a second media format of the plurality of different media formats via a second communication channel of the plurality of communication channels;

determining media formats that each agent of one or more agents is authorized to access, wherein

the media formats that each agent of the one or more agents is authorized to access comprise at least one of the different media formats; and

in response to the determining, assigning the one or more agents to handle the first and second requests ***based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access***.

(Emphasis supplied)

15. A system comprising:

a first computer server configured to receive a first request in a first media format of a plurality of different media formats via a first communication channel of a plurality of communication channels and a second request in a second media format of the plurality of different media formats via a second communication channel of the plurality of communication channels;

a queuing engine configured to

determine media formats that each agent of one or more agents is authorized to access, wherein

the media formats that each agent of the one or more agents is authorized to access comprise at least one of the different media formats, and

in response to determining the media formats that each agent of the one or more agents is authorized to access, to assign the one or more agents to handle the first and second requests ***based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access***.

(Emphasis supplied)

Cited against the limitations of the foregoing claims is the combination of Sassin in view of Crowther. The portions of Sassin cited against the foregoing claims read as follows:

“‘Content freedom’ is defined as an independence in describing the subject matter that is of interest to the party submitting the communication. For example, the incoming communication may be an electronic mail message, a facsimile transmittal, or a text message originating from a site on the World Wide Web. The incoming communication may also be a freeform telephone voice mail message, which would not be restricted to the dual tone multifrequency (DTMF) responses to prompts presented in a decision tree of known call routing systems.” (Sassin, col. 3, ll. 12-18)

The preceding passage is said to teach means for receiving a first request in a first media format of a plurality of different media formats. The limitation “... via a first communication channel of a plurality of communication channels ...” is said to be taught by PSTN 12 of Fig. 1, as noted subsequently. The following passages:

“The content of an incoming communication having substantial content freedom is converted to a program-searchable format. For example, a received facsimile communication may be converted to computer-generated text information using an optical character recognition (OCR) program. Similarly, a

voice mail message may be converted to computer-generated text information using speech recognition techniques. For electronic mail and Webpage referrals, formatting the content into a program-searchable format may be simplified. For example, the header information of an electronic mail message may simply be stripped from the message. Reformatting a video message may be accomplished by generator "descriptors," such as labels representative of the system-recognizable features." (Sassin, col. 3, ll. 38-51)

and

"Prior to input of a message to the second content analyzer 32, the incoming communication undergoes some conversion. If the incoming communication is a facsimile message from the facsimile device 14, the communication is received at the switch circuitry 18 and forwarded to a fax-text converter 34. For example, the fax-text converter may be an optical character recognition (OCR) software module that converts the facsimile transmittal to computer-generated text information, such as ASCII characters. This conversion is a mode-specific conversion, i.e., the processing is unique to the reception of messages from the facsimile device 14. On the other hand, processing at a format converter 36 may include some mode-specific tasks, but preferably the output of the converter 36 is in a format that is consistent for each of the four user interfaces 14, 16, 20 and 22 that provides an input to the format converter. The consistent format of the preferred embodiment facilitates content analysis at the analyzer 32.

An incoming communication from the voice input device 16, e.g., a telephone, may be recorded at a conventional voice mail device 38 and converted to text at a voice-text converter 40. The voice-text converter is a second mode-specific device that provides an input to the format converter 36. The voice-text converter may be a speech recognition module that converts the recorded freeform voice mail message into text information. The format converter then presents the computer-searchable text information in an appropriate format to the content analyzer 32. For example, the content-searchable text information may be ASCII characters.

The format conversion at the converter 36 may be less significant for electronic mail received from the e-mail provider 20, since the incoming message is text information. For example, it may only be necessary to strip a header from the received e-mail message. As previously noted, the preferred embodiment of the format converter 36 provides a consistent format regardless of the source of a message.

An incoming communication from the Internet service provider 22 may be a Webpage referral in the form of e-mail or HTML. Regardless, the message received via the ISP undergoes format conversion at the converter 36 to provide computer-searchable text information.

A second content analyzer 32 analyzes the formatted messages from the converter 36 to identify skills that are advantageous to processing the messages. The analysis may comprise classification, semantic analysis and rule-based decision-making with keywords, phrases and grammar-based parsing. The

complexity of the analysis performed will depend on the requirements of each implementation. In one embodiment, the analysis includes a word query of the computer-searchable text information. A Boolean word search may be used, allowing a number of different keywords to be linked by logical operatives such as "AND," "OR" and "NOT" or their functional equivalents. As one example, within an ACD system that is used for product support for a company that sells both computer hardware and computer software, generic and proprietary descriptors may be used as keywords. Additional keywords may be terms common to frequently asked questions (FAQs) submitted to the company. Another skill that is advantageous to efficient processing of the incoming message relates to the medium that is to be used to respond to the message. If the system 10 is an ACD system, responses that require an agent to respond via the ISP 22 or the e-mail provider 20 will require an agent who is knowledgeable with respect to the particular mode of response.” (Sassin, col. 6, ll. 1-65)

are said to teach that “... each communication channel of the plurality of communication channels has an associated media format of the plurality of different media formats” As an initial matter, Applicants respectfully submit that, aside from failing to teach the requisite claim limitations, the latter passage fails to distinctly and concisely point out the teachings of Sassin that make obvious the limitations in question. Applicants request that the portions relied on by the Office Action be indicated with greater particularity.

Moreover, there is no teaching in the cited sections with regard to the correlation between a media format and a communication channel. While each communication channel will have a

media type, Applicants respectfully submit that no such teachings are provided by the cited passages, insofar as Applicants are able to discern. The addition of Internet 23 depicted in Fig. 1 fails to cure this infirmity because even if such is taken to be another communication channel, there is nothing indicating, in Fig.1 or it's description, that the media involved is different between PSTN 12 and Internet 23. This is particularly true when technologies such as digitized telephone service and dial-up modems are considered. Moreover, nowhere is there taught in any of the foregoing passages (and as far as Applicants are able to discern , anywhere else in the references):

means for assigning, in response to the determining, the one or more agents to handle the first and second requests based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access.

(Emphasis again supplied)

This is intuitively correct, given that Sassin fails to performed assignment of requests to agents based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is **authorized** to access (Emphasis again supplied).

As noted earlier, the claimed invention assigns authority to an agent (authorizes an agent) prior to the agent's attempting to access a system according to the present invention. Thus, the media and communication channels an agent is authorized to access is set prior to the agent's use of the system.

Sassin, by contrast, merely tracks the types of communications channels/media formats (using the language of the claimed invention) that an agent has begun using after the agent accesses the Sassin's system, recording those modes of communication to which the agent has access (i.e., if an agent accesses a computer, and does not access a telephone, Sassin's system notes this, and does not task the agent with handling telephone calls, as Sassin's system has recorded the fact that the agent is incapable of communicating via a telephone).

By contrast, the claimed system prevents or allows a given agent access from/to a given communication channel/media format based on the communication channel(s)/media format(s) for which an agent has been given authorization to access prior to the agent accessing the given communications channel(s)/media format(s).

The fact that the claimed invention assigns one or more agents to handle the first and second requests based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access is said to be taught by the following passage of Sassin:

“The system-recognizable features are then used as a basis for determining the means for responding to the communication.” (Sassin, col. 3, ll. 22-24)

Unfortunately, this passage fails to teach the claimed limitation. This is because the use of Sassin's “system-recognizable features ... as a basis for determining the means for responding to the communication” is directed to using information gathered upon a user logging into the system. This is diametrically opposed to the claimed invention's approach, in which an agent is

authorized for the given communications channel(s)/media format(s) prior to accessing the claimed system. The preceding passage therefore fails to teach the authorization claimed in independent claims 1, 7 and 15.

The following passage is also said to teach the claimed authorization:

“An advantage of the invention is that the routing method and system allow significant freedom of selection with respect to both the medium for establishing the communication with the system (e.g., electronic mail, facsimile, Webpage referral, or voice mail) and the content of the communication.” (Sassin, col. 4, ll. 37-42)

The preceding passage teaches that the medium for establishing the communication with the system and the content of the communication allow significant freedom of selection by determined as a result of which communications the agent themselves decide to employ, based on which communications the agent chooses to select.

Applicants therefore respectfully submit that the passage above also fails to teach the claimed invention's approach, in which an agent is authorized for the given communications channel(s)/media format(s) prior to accessing the claimed system. This might be done by the system, by the entity controlling the system or some other entity tasked with providing authorization.

The following passage cited in the Office Action similarly suffers from the same infirmity:

“FIG. 4 illustrates a more general block diagram of a multimedia communication response system 100 of the present invention. The response system 100 receives freeform communications from one or more of a variety of sources, in one or more of a variety of medium. For example, the communication may be a video clip, a photographic image, an E-Mail message, a facsimile, a voice message or real time voice, or an Internet form or other communication received from the World Wide Web. A multimedia switch 104 controls the routing of the incoming communications. The response system 100 also comprises a multimedia messaging unit 102, which may be used to store communications of various media. For example, the messaging unit 102 may store an incoming facsimile communication until the response system 100 is prepared to process the communication. Thus, the switch 104 may route incoming communications directly to a media converter 106, or it may route the incoming communications to the messaging unit 102 for storage. At some later time, the switch 104 can retrieve the stored communications from the messaging unit 102 and forward the communications to the media converter 106. Alternatively, the media converter 106 can access the stored communications directly from the messaging unit 102.”

(Sassin, col. 11, ll. 40-62)

Moreover, the Office Action points to Sassin's Fig. 1 as teaching a first communication channel and a second communication channel of plurality of communication channels. Fig. 1 of Sassin is presented below for the Examiner's convenience:

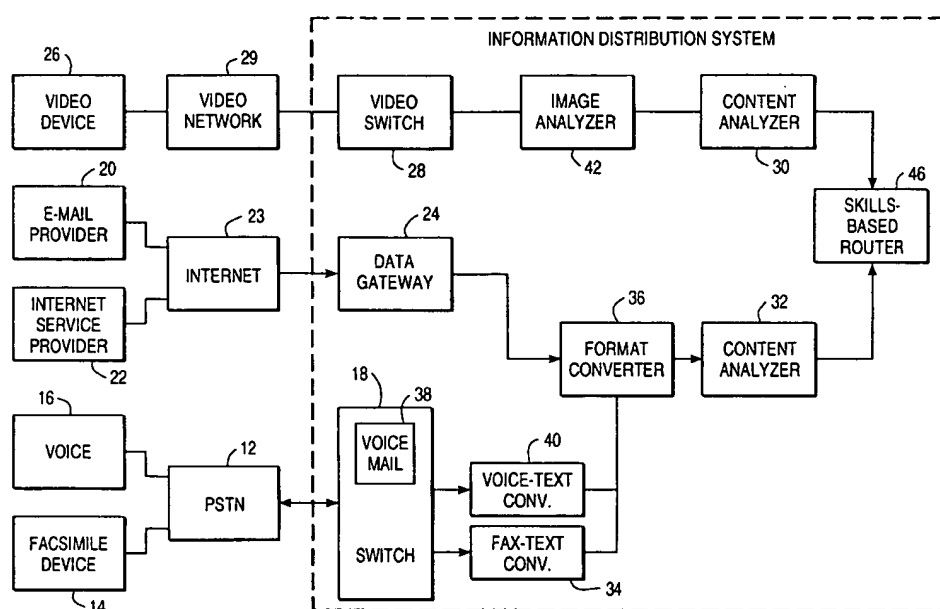


FIG. 1

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The Office Action posits that Sassin's PSTN 12 and Internet 23 teach a first communication channel and a second communication channel. Whether or not such is the case (and Applicants do not concede that such is necessarily the case), Fig. 1 clearly lacks any teaching a means for assigning one or more agents to handle requests based on the media formats of the first and second requests and the media formats that each agent of the one or more agents

is authorized to access. Furthermore, no such teaching is provided in Crowther (not, in fact, that Crowther is or can successfully be cited for such a proposition).

Thus, the Office Action misapprehends the authorization employed by the claimed invention. In the claimed invention, the requisite authorization is provided by the organization by which the agent is employed. Thus, a given agent's authorization to access one media format or another (by authorizing or not authorizing the agent to communicate using one communication channel or another) is established prior to the agent's use of the claimed multi-channel communication queuing system. Thus, the determination as to a given agent's authorization to access one media format or another is set prior to the agent's use of the claimed system.

The Office Action then posits that Sassin, having failed to show such functionality in Fig. 1, describes such functionality as being taught in the following passage:

“The ACD system routes incoming communications from customers to agents of a call center, and permits outgoing communications from the agents to the customers.” (Sassin, col. 5, ll. 9-12)

Applicants are at a loss to understand not only as to how the foregoing passage teaches assigning one or more agents to handle requests based on the media formats of the first and second requests and the media formats that each agent of the one or more agents is authorized to access., but how this passage could teach such a concept. Crowther therefore not only fails to remedy the foregoing infirmities, Crowther is (quite rightly) not cited for such propositions.

However, while the Office Action does correctly notes that Sassin fails to teach "... determining the media formats that the agent is authorized to access." Office Action p. 3, section 3. The limitation in fact reads as follows:

"...

means for determining media formats that each agent of one or more agents is authorized to access, wherein

the media formats that each agent of the one or more agents is authorized to access comprise at least one of the plurality of different media formats

..."

(Emphasis supplied)

Crowther is cited for teaching just these limitations. To this end, Crowther is said, in the Office Action, to teach determining the media formats that the agent is authorized to access (col. 5, lines 50-55 – where Crowther is said, in the Office Action, to discuss the agent is authorized to login a computer or a telephone; col. 3, line 55 through col. 4, line 2 – where Crowther discussed determining the type of media the agent login to assign the task).

These section read as follows:

"In the call center system agents log in and out dynamically. In the case where the agent has both a computer and a telephone, the agent only logs in once

(e.g., from the computer). At the computer, the agent sends a login message (e.g., user ID and password) to the network interface 122, which forwards the message to the media gateway 112. The media gateway 112 registers the agent as a valid agent, and sends a message to the agent manager 116. *The agent manager 116 looks up in the configuration database 140 and determines that the agent also has a telephone set for receiving and initiating voice calls.* Consequently, the agent manager 116 notifies the media gateway 110 that the agent is also logged into the telephone set. The media gateway 110, after registering the agent as a valid agent to take voice calls, sends a message to the PBX 120 to notify it that the gateway is handling the particular telephone set.” (Crowther, col. 5, lines 50-55; Emphasis supplied)

and

“The media gateways 110 and 112 are coupled to an agent manager 116 via communication lines 130 and 132, respectively, and a multimedia queuing manager (MQM) 118 via communication lines 134 and 136, respectively. The agent manager 116 is a *centralized functional block that is aware of the capabilities and status of the agents.* The agent manager 116 knows, among other things, *the type of media and skillsets that agents can handle* (e.g., voice calls, e-mails, web forms, etc.). For example, if an agent only logs in from a telephone set, then the agent can answer voice calls and initiate outgoing calls, but cannot respond to e-mails or web forms. If the agent logs in from a telephone and a

computer or a computer having telephonic capabilities, then the agent can perform all of the aforementioned actions. This information is detected when the agent logs in.” (Crowther, col. 3, line 55 through col. 4, line 2; Emphasis supplied)

While Applicants agree that Sassin fails to teach, as the Office Action states, the limitation “determining the media formats that the agent is authorized to access” (which, as can be seen from the claim quote above, is a paraphrase of the claim language, to some extent), the cited portions of Crowther, and indeed Crowther taken as a whole, fails to address this infirmity. The first passage, at bottom, merely discloses that the agent takes actions that define the media type to which the agent has access (e.g., the highlighted section in the first passage above).

Similarly, the second passage merely discloses a centralized functional block that is aware of the capabilities and status of the agents, but certainly exerts no control whatsoever over what media types or communication channels an agent is allowed (authorized) to use. The centralized functional block of Crowther is aware of the capabilities and status of the agents as a result of the actions of the agents, and so keeps “tabs” on the agents, and the accessing that the agents do, so as to be able to detect information when the agent logs in. Thus, the system maintains information on an agents capabilities *as a result of the agents actions in accessing various media types and communications channels*. Such an approach is borne out by various portions of the cited passage:

“... For example, if an agent only logs in from a telephone set, then the agent can answer voice calls and initiate outgoing calls, but cannot respond to e-

mails or web forms. If the agent logs in from a telephone and a computer or a computer having telephonic capabilities, then the agent can perform all of the aforementioned actions. This information is *detected when the agent logs in*.”

(Crowther, col. 3, line 62 through col. 4, line 2; Emphasis supplied)

As will be appreciated, neither concept can be properly said to make obvious the claimed limitation of means for determining media formats that each agent of one or more agents is authorized to access. To this end, Applicants respectfully offer that neither the cited portions of Crowther, nor the remainder of Crowther provide the disclosure needed to make obvious the claimed limitations (whether or not combined with Sassin).

The distinction is one that therefore comes down to the actions that the agent takes actions that define the media type to which the agent has access (the posited combination of Sassin and Crowther) versus the *a priori* authority granted to the agent to access a given media type.

Thus, the Office Action thus does not establish the presence of the foregoing limitations in Sassin or Crowther, alone or in permissible combination. As has been noted, the burden is on the Examiner to support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

Moreover, neither Sassin nor Crowther, taken separately or together, teach that the assigning the one or more agents to handle the first and second requests based on the media formats of the first and second requests and the media formats that each agent of the one or more

agents is authorized to access is performed in response to the determining (the media formats that each agent of one or more agents is authorized to access).

For the reasons presented above, neither Sassin nor Crowther, taken wither alone or in permissible combination, teach the foregoing limitations of the independent claims.

In addition, Applicants also respectfully submit that the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the two references. The Examiner's duty may not be satisfied by engaging impermissible hindsight; any conclusion of obviousness must be reached on the basis of facts gleaned from the references. The Examiner must therefore provide evidence to suggest the combination and "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *See In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). [Applicants respectfully submit that the particular parts of the cited references relied upon by the Examiner and the pertinence of each reference has not been clearly explained, especially with regard to the motivation to combine references in the first full paragraph on page M of the Office Action.] Further, the Office action does not establish that such a combination of the teachings of these references would meet with success, as required.

As to the question of motivation to combine, the Office Action fails to identify the requisite need in either reference. Sassin is directed to:

"A routing method for an information distribution system, such as an automatic communications distribution system, allows substantial content freedom in the formulation of a message to the system. The messages are

converted to a computer-searchable format and are subjected to content analysis to identify skills advantageous to responding to the messages. In one application, the incoming message is a facsimile transmission that is converted to computer-generated text information using an optical character recognition module. The freeform incoming message may also be a voice mail message converted using speech recognition techniques, or may be a video transmission, electronic mail or a Webpage referral. In an application of the method and system that includes a response from an agent of the system, resume data indicative of proficiencies of the agents with respect to skills advantageous to processing the communications are correlated with the identified desired skills for a particular incoming communication. Based upon the correlation, the incoming communication is routed to the appropriate agent.” (Sassin, Abstract)

Likewise, Crowther is directed to:

“A method, apparatus, and customer contact or call server that provides a unified queuing mechanism for queuing multiple media requests. The queuing mechanism includes one or more skillsets each including an idle agent queue and a pending requests queue. Skillsets are assigned interrupt levels defining the importance of skillsets with respect to each other. Agents are assigned to and queued in the idle agent queue of one or more of the skillsets. As media requests are received in the pending requests queues of skillsets, agents are dispatched to attend to the requests. As an agent is dispatched from a skillset, it is removed from

other skillsets that have an equal or lower interrupt level, and is maintained in skillsets that have a higher interrupt level. Consequently, an agent, tending to a media request, may be interrupted with other media requests only if the other media requests are queued in skillsets of higher interruptibility level, and if the agent is assigned to those other skillsets. Media requests include, among other things, a voice/video call request, an e-mail request, a web form request, and an outbound voice call request.” (Crowther, Abstract)

As will be appreciated, these two references provide nothing in particular to each other. Sassin is directed to a routing method for an information distribution system, such as an automatic communications distribution system, allows substantial content freedom in the formulation of a message to the system. Crowther is directed to a method, apparatus, and customer contact or call server that provides a unified queuing mechanism for queuing multiple media requests. Sassin thus expresses no need, nor even any recognition of any posited benefits of Crowther. Sassin is a complete and self-contained solution to the needs espoused therein. Similarly, Crowther also fails to express any need, nor even any recognition of any posited benefits of Sassin, itself being a complete and sufficient solution to the needs espoused therein.

Applicants respectfully submit that such an argument fails to establish a *prima facie* case of obviousness and runs towards a hindsight analysis of the references. The Office Action makes no showing of a motivation to combine Sassin with Crowther from within the references themselves; therefore, it must be presumed that there is none. It is well-established that the best defense to hindsight is a “rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references.” *See Ecolochem, Inc. v. Southern California*

Edison Co., 227 F.3d 1361, 1371 (Fed. Cir. 2000); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000). A showing of combinability must be “clear and particular” and “broad conclusive statements about the teaching of multiple references, standing alone, are not ‘evidence.’” *See Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 666 (Fed. Cir. 2000); *Brown & Williamson*, 229 F.3d at 1125.

The reason, suggestion, or motivation to combine may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, “leading inventors to look to references relating to possible solutions to that problem.”

Ruiz, 234 F.3d at 665.

The Office Action presents nothing more than broad, generalized statements related to the motivation of a person of ordinary skill, which Applicants respectfully submit is insufficient to support a finding of obviousness. The Office Action does not establish that the references which are combined are of special interest or importance in the field. Nor does the Office Action present any evidence of a problem to be solved from within those references themselves.¹ Instead, the Office Action fabricates such a problem to be solved, not from the teachings of the cited references, but from the teaching of Applicants’ own disclosure.

Using Applicants’ own disclosure as a blueprint for providing the motivation to combine prior art references in an obviousness determination is impermissible. *See W.L. Gore & Assoc. v. Garlock*, 721 F.2d 1540, 1552-53 (Fed. Cir. 1983) (“To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record

¹ There must be a finding that “there was a disadvantage to the prior systems, such that the ‘nature of the problem’ will have motivated a person of ordinary skill to combine the prior art references.” *Id.* at 666.

convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.”).

Even if, for the sake of argument, Sassin and Crowther were to be combined, such a combination would not provide the advantages of the claimed invention. At best, the combination of Sassin and Crowther would yield a system such as that of Sassin that would allow independence from message format by converting messages thus requiring conversion and combining such messages already in the given format, with Crowther’s ability to queue messages. Applicants cannot comment on whether these features of Sassin and Crowther could successfully be combined, but were such possible, the result would be substantially and markedly different from the claimed invention, as would the ostensible benefits provided thereby. Certainly, no provision is made, by Sassin, Crowther or their combination.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of Claims 1, 7 and 15, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration of the rejections to those claims.

Claims 5, 6, 11, 12, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sassin, et al., U.S. Patent No. 6,058,435 (Sassin) in view of Crowther, et al., U.S. Patent No. 6,771,765 (Crowther) and further in view of Miloslavsky, U.S. Patent No. 5,915,011 (Miloslavsky).

As will be appreciated, this rejection suffers from the infirmities noted earlier with regard to the posited combination of Sassin in view of Crowther. Miloslavsky is said to add the limitations of claims 5, 6, 11, 12, 19 and 20 by virtue of the cited portions of its disclosure. Applicants respectfully submit that one of skill in the art would not combine Miloslavsky with

Sassin in view of Crowther, notwithstanding the infirmities of the combination of Sassin and Crowther, because Miloslavsky is simply directed to a telephone call-routing system:

“A telephone call-routing system comprises a routing intelligence adapted to receive real-time activity reports on busy status of remote telephone stations, and to route incoming calls based on the busy status. In a preferred embodiment the routing intelligence sets a busy semaphore for each station to which a call is routed at the time the call is routed, before a real-time signal is returned that the station is in fact busy. The semaphore is initially set to busy for a first period of time substantially equal to the known latency for returning the real-time busy signal. After the first period of time, and with return of a real-time busy signal, the semaphore is reset to busy for a second period of time substantially equal to the historical average elapsed time for calls in the call-routing system, after which the semaphore is released. After the first period of time, and in the absence of the real-time busy signal, the semaphore is immediately released so further calls may be routed to the station.” (Miloslavsky, Abstract)

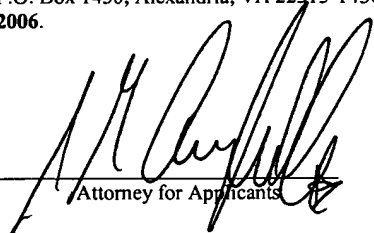
Such technology adds little or nothing to the combination of Sassin and Crowther because Miloslavsky adds nothing of import to their combination (i.e., Miloslavsky’s disclosure is cumulative, at best, and useless, at worst). Thus, one of skill in the art at the time of invention would have found no motivation in Miloslavsky to seek out the purported disclosure of the combination of Sassin and Crowther, were the combination of Sassin and Crowther even possible and advantageous in some way.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of claims 5, 6, 11, 12, 19 and 20, and so these claims are in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections to claims 5, 6, 11, 12, 19 and 20.

CONCLUSION

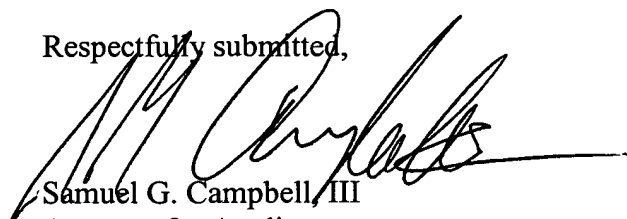
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 5, 2006.


Attorney for Applicants

9/5/06
Date of Signature

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